

FILED (U)
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT
2015 JUN -9 PM 1:05

IN THE MATTER OF:

U.S. BANKRUPTCY COURT CHAPTER 9
E.D. MICHIGAN-DETROIT CASE NO.:13-53846

In re CITY OF DETROIT, MICHIGAN
DEBTOR.

JUDGE: Hon. Thomas J. Tucker

**MOTION TO EXCLUDE CLAIM BY CITIZEN AGAINST DETROIT POLICE
OFFICER FOR INTENTIONAL ACT/CIVIL RIGHTS VIOLATION FROM
DETROIT'S BANKRUPTCY AND TO ALLOW THE CASE TO PROCEED IN
THE WAYNE COUNTY (MICHIGAN) CIRCUIT COURT**

NOW COMES Frazier Cunningham, by his attorneys, Law Offices of Ronald Steinberg And Associates, PLLC, by Ronald A. Steinberg, and moves this Honorable for an Order To Exclude Claim By Citizen Against Detroit Police Officer For Intentional Act/Civil Rights Violation From Detroit's Bankruptcy, And To Allow The Case To Proceed In the Wayne County Circuit Court, for the following reasons:

1. On or about December 16, 2012, at about 10:45 PM, Petitioner, Frazier Cunningham, was falsely arrested, falsely charged with criminal activity, and was required to retain counsel to defend himself in a criminal court proceeding.
3. At the time of the preliminary examination, on Friday, January 25, 2013, when the arresting police officer, George Alam, testified, the judge determined that he had no credibility as a witness, and he dismissed all charges against Frazier Cunningham.
4. The Petitioner retained counsel, and on September 17, 2014, suit was filed in the Wayne County Circuit Court, entitled as follows:

Frazier Cunningham vs. George Alam, City of Detroit Police Officer Case No.:
14-011964CZ.
5. After much difficulty, George Alam was duly served with process, and a Proof of Service was filed with the court.
6. On November 21, 2014, City of Detroit Law Department attorney, David J. Demps, filed with the Wayne County Circuit Court a "Notice of Suggestion of Pendency of Bankruptcy Case and Application of the Automatic Stay."

7. It reasonably appears that the facts and circumstances as set forth in the Motion establish that the actions of the Defendant, George Alam, City of Detroit police officer, were intentional, and in fact, did deprive the Plaintiff/ Petitioner, Frazier Cunningham of his civil rights; that as a result, the civil action against George Alam is outside the ambit of the Bankruptcy Court.

8. It reasonably appears that this Court should determine that Plaintiff/Petitioner's case should not be stayed, and that he be allowed to litigate the case in the Wayne County Circuit Court.

WHEREFORE, Petitioner prays that this Honorable Court:

- A. Order that the claims of Frazier Cunningham are outside the ambit of the City of Detroit's bankruptcy, and
- B. That there should be no stay of the proceedings, and
- C. That the claim be allowed to proceed to trial in the Wayne County Circuit Court.

Respectfully submitted,
LAW OFFICES OF RONALD STEINBERG AND
ASSOCIATES, PLLC

By: Ronald A. Steinberg (P20956)
Attorney for Petitioner/Plaintiff Cunningham
30300 Northwestern Highway, Suite 100
Farmington Hills, MI 48334
Phone: (248) 932-3230
Fax: (248) 932-0251
Email: ron@ronaldsteinberglaw.com

Dated: June 2, 2015

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

IN THE MATTER OF:

CHAPTER 9

CASE NO.:13-53846

In re CITY OF DETROIT, Michigan,
DEBTOR.

HON. THOMAS J. TUCKER

**ORDER TO EXCLUDE CLAIM BY CITIZEN AGAINST
DETROIT POLICE OFFICER FOR INTENTIONAL ACT/
CIVIL RIGHTS VIOLATION FROM DETROIT
BANKRUPTCY AND TO ALLOW THE CASE TO PROCEED
IN THE WAYNE COUNTY (MICHIGAN) CIRCUIT COURT**

This matter having come on pursuant to Motion to Exclude Claim by Citizen Against Detroit Police Officer for Intentional Act/Civil Rights Violation from Detroit Bankruptcy and to Allow the Case to Proceed in the Wayne County (Michigan) Circuit Court,

IT IS HEREBY ORDERED Motion to Exclude Claim By Citizens Against Detroit Police Officer for Intentional Act/Civil Rights Violation from Detroit's Bankruptcy and to Allow the Case to Proceed in the Wayne County (Michigan) Circuit Court is GRANTED and Frazier Cunningham may proceed in the Wayne County Circuit Court Case No: 14-011964-CZ against Detroit Police Offer George Alam.

Dated: _____

Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

IN THE MATTER OF:

In re CITY OF DETROIT, Michigan
DEBTOR.

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CHAPTER 9

CASE NO.:13-53846

JUDGE: Thomas J. Tucker

NOTICE TO RESPONDENT

TO: David Demps, Esq
Attorney for City of Detroit

PLEASE TAKE NOTICE that the attached Motion and Order to Exclude Claim by Citizen Against Detroit Police Officer for Intentional Act/Civil Rights Violation From Detroit's Bankruptcy and to Allow the Case to Proceed in the Wayne County (Michigan) Circuit Court has been submitted to the Clerk for the Honorable Steven Rhodes. You have 14 days to oppose, in writing, the proposed Order. You must file your objections within 14 days at:

Clerk
US Bankruptcy Court
Eastern District of Michigan
211 W. Fort Street, #2100
Detroit, MI 48226

You must also mail a copy of your objections to:

Ronald A. Steinberg
30300 Northwestern Highway, Suite 100
Farmington Hills, MI 48334

If you do not take these steps the Court may decide that you do not oppose the relief requested and may enter an Order granting that relief.

Respectfully submitted,

THE LAW OFFICES OF
RONALD STEINBERG AND ASSOCIATES

RONALD A. STEINBERG (P20956)
Attorney for Plaintiff
30300 Northwestern Hwy., Ste.100
Farmington Hills, MI 48334
(248) 932-3230

Dated: June 2, 2015.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

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IN THE MATTER OF:

In re CITY OF DETROIT, Michigan
JUDGE

CHAPTER 9

CASE NO.: 13-53846

DEBTOR.

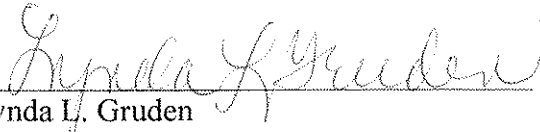
U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

PROOF OF SERVICE

The undersigned certifies that she served a copy of the Motion to Exclude Claim by Citizen Against Detroit Police Officer for Intentional Act/Civil Rights Violation from Detroit's Bankruptcy and to Allow the Case to Proceed in the Wayne County (Michigan) Circuit Court and Notice to Respondent, along with a copy of this Proof of Service, upon:

David J. Demps
2 Woodward Avenue, Suite 500
Detroit, MI 48226

Said party was served by first class mail, with postage fully prepaid thereon and deposited in a United States Mail Receptacle on the 2nd day of June, 2015.


Lynda L. Gruden